

that it would at least be obvious to one skilled in the art to use ink print patterns and sheets as disclosed in Aylward et al. for applying over dye images. This rejection is respectfully traversed.

Aylward et al. discloses an imaging element having adhered to the backside a strippable polymer layer that when removed has an adhesive layer thereon. The strippable sheet is disclosed as possibly having a pattern thereon. Aylward et al. also discloses the use of previously exposed microdot patterns to prevent copying or for identification of the print. The instant invention as claimed related to a photographic image that is overprinted in registration with a printing ink that mordants to the image. Neither of the techniques disclosed by Aylward et al. produces the claimed invention. Therefore, Aylward et al. is not anticipatory of the instant invention. Further, the invention as claimed is not obvious from Aylward et al. There is no disclosure suggesting the printing of an area on a photographic image, in registration with the image. The systems of Aylward et al. are such that the printing takes place prior to image development. In contrast, the instant invention ink overprints the photographic image in registration with the photographic image. Such a process is not disclosed or suggested by Aylward et al. Furthermore, the present invention specifically discloses a photographic image that is overprinted in registration with a printing ink that mordants to the image. In Aylward et al. the material that is imaged on the back of the preprinted member does not necessarily correlate with an image later printed on the front image forming layer. Thus, Aylward et al. does not teach or suggest any correlation between the photographic image and the preprinted member as disclosed in the present invention, much less that ink be directly printed on the image. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

The Examiner states in paragraph 2 of the Final Rejection, mailed 8/9/2004 that the applicants' argument that Aylward et al. does not disclose printing on photographic image in registration with the images is unconvincing. The Examiner states that the printed image areas in the image elements of Aylward et al. are over the dye images formed from couplers and are in registration therewith. The Examiner states there is no requirement in the instant claims that said printing to be in or on the same layer of the element containing the dye image. The applicants urge that the limitation to overprinting with printing inks would be a limitation that would separate the instant invention from

the process of Aylward et al. However, the claims are even more limited such that printing ink mordants into the upper layer of said photographic image. It is further noted that the Aylward et al. reference at col. 3 lines 37-40 relates to printing on the backside of the member not onto the image. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn, as the instant claims clearly require printing the ink on the layer of the element containing the image.

In paragraph 2 of the Office Action mailed on 3/21/2005 the Examiner has rejected claims 1, 2, 4-8, 13-17, and 19 under 35 U.S.C. § 103 (a) as unpatentable over the combination of Hannon and Wingender for the same reasons as set forth in paragraph 3 of the Final rejection, mailed 8/9/2004. In paragraph 3 of the Final Rejection, mailed 8/9/2004 the Examiner states that Hannon discloses ID cards comprising photographs laminated with printed patterned polymer sheets. The Examiner states that Wingender discloses that photographs used in ID cards are color photographs formed from color couplers. The Examiner states it would be obvious to one skilled in the art to use color photographs formed from color couplers as the called for photographs in Hannon. Hannon is also stated to disclose printed areas adjacent the photograph of the person. This rejection is respectfully traversed.

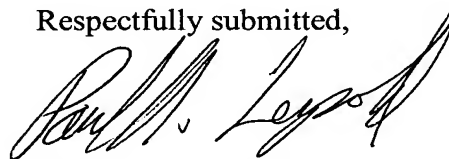
Hannon et al. discloses a photographic ID card that may be over laminated with a printed pattern and also may have a printed pattern adjacent to the photograph. Wingender discloses the formation of an ID card which has a region of exposure with infrared radiation. There is no disclosure or suggestion of over printing of an earlier formed photographic image with ink printing. There is no disclosure or suggestion to modify either the Wingender or Hannon processes to reach the instant invention. There is no disclosure or suggestion in either reference of over printing with ink in registration with a photographic image. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 3 of the Office Action mailed on 3/21/2005 the Examiner states that the Applicant's arguments filed on 2/11/2005 have been fully considered but are not persuasive. The Examiner states that the upper layer of the article of the instant claims is overprinted, and the upper layer is not limited to layers containing the dye image but includes layers of laminated sheets as

disclosed on pages 13-14 of the specification. The Examiner further indicates that the claimed articles include imaged articles as in Aylward et al. with dye image layers and laminated sheet upper layers containing printed patterns. The Examiner further indicated that the strippable sheet on the backside of the photosensitive elements of Aylward et al. is laminated to the top side of the processed elements of Aylward et al. containing dye images. The Examiner further states that the upper layers of the instant claim do not exclude laminated sheets or layers and include laminated sheets as disclosed in the specification. It is respectfully urged that the present invention as claimed relates to a photographic image that is overprinted in registration with a printing ink that mordants to the image. Although the claims are to be given their broadest reasonable interpretation that is consistent with the specification not everything in the specification must be read into the claims. *Raytheon Co. v. Roper Corp.*, 724 F.2d 951, 220 USPQ 592 (Fed. Cir. 1983). The claimed invention limits the invention to where the photographic image is overprinted with printing ink, in registration with said photographic image, and wherein said printing ink mordants into the upper layer of the photographic article. The claims do not include overcoat layers of laminated sheets and such a layer is not suggested even under a reasonably broad interpretation of the claims. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

Therefore, it is respectfully requested that the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.